

Amesbury Municipal Council Minutes

Tuesday, December 9, 2008

7:00PM Town Hall Auditorium

Call to Order 7:05PM

Pledge of Allegiance – Councilor Lavoie

Roll Call - Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Roger Benson

Act on Minutes – October 14, 2008

Councilor Ferguson motioned to accept, Councilor Chatigny second – Voted Unanimous

Public Comment

Mario Pinierio, Gardner Street – Mr. Pinierio disagrees with the Finance Committee recommendation for a residential factor of 1. He believes the seniors can not afford the increase in their taxes.

James Thivierge, Friend Street – Mr. Thivierge urges all the councilors to read all of the town's contracts. He would like the recap sheet available to the public.

Jane Snow, 44 Fern Ave. – Ms. Snow does not agree with changing the split tax rate back to a single tax rate. She feels this is the wrong time and people can't afford it. Because most of the businesses rent their space downtown the tax relief will be for the owner of the building not the business owner. She commented the annual report was due out in August and it is still not out.

Matthew Sherrill, 156 Elm Street – Mr. Sherrill, representing the Amesbury Chamber of Commerce and Industrial Foundation. He commends the Finance Committee for their recommendation to reverse the split tax rate back to a single rate, he hopes they stand true to their word. He states the businesses in Amesbury have to compete with New Hampshire and no sales tax. New Hampshire is soliciting businesses to move to their state.

Ann Connolly King, 25 Belmont Street – Ms. King commends the Council for their courage and integrity in voting as a group in the Finance Committee to return back to a single based tax rate. She does not want to accept a tax break unfairly burdened on the backs of the businesses.

Curtis Wollitz, 91 South Hampton Rd. – Mr. Wollitz commends the Finance Committee for recommending to reverse the split tax rate.

Alison Lindstrom, 10 Wells Ave. – Ms. Lindstrom does agree reversing the split rate back to a single rate, she believes it will cause a world of hurt for a lot of people.

Karen Cook, 201 Market Street – Ms. Cook believes Amesbury needs new businesses in town. As owner of Cider Hill she has been deeply affected by the split rate, her taxes have gone up tremendously. She would like to see some relief for all the businesses in town. She supports reversing the split tax rate.

Louise Hart, President of Sunny Day and Hi Five Renewable – Ms. Hart was attracted to Amesbury because it was affordable, has a good work force and good banks. Her company will be going into manufacturing and has been well courted by New Hampshire. She hopes the council will vote for a single tax rate.

Mayor Kezer gave his appreciation to the Finance Committee for their recommendation for a single tax rate. The average value for a single family house is \$330,000. The total tax increase for 2009

would be \$441.00 and it breaks down as follows: the impact from the operating budget is \$189.00, the debt exclusions for the Middle School and High School projects is \$115.00 and the tax shift is \$137.00. It will cost \$137.00 to give the businesses a fighting chance to stay and to attract new business with jobs into Amesbury.

Council Response to Public Comment

Councilor Neale created a report which includes every property in town and their tax increase or decrease. He believes the reassessment of the entire town followed all the rules the state mandates. It produced new assessments for everybody in town and they were all implemented at once. He believes this is a totally fair system of allocating the taxes.

Councilor Dunford states he and other Councilors have been very visible in town and he has only received one verbal blasting against setting a single tax rate. He has received many, many congratulations saying thank you for his courageous vote. He feels it is a town consensus that everyone feels they did the right thing. Councilor Dunford hopes the town report will be out when it is supposed to be next year.

Councilor Ferguson really appreciates every ones input from both sides of the issue. She addresses Ms. Snow's concern that most of the businesses downtown rent space and do not own the buildings. She states the people who own the buildings will increase the rents so the businesses will eventually feel the increase. She feels the master plan wanted to increase the commercial/industrial base to increase tax revenues. She states that the town will decrease spending in the upcoming fiscal year. She believes it was completely immoral to split the tax rate. She is for getting it back to a single tax rate all at once and be done with it.

Councilor Lavoie states he was not contacted by any residents for or against a single tax rate. He states at the Finance Committee he made a motion to phase a single tax rate in gradually and it was the will of the council to get it over and done with all at once.

Councilor McMilleon stated whether there is a split tax rate or a single rate there is still going to be an increase in taxes. He favors a factor of one because it is inherently unfair to tax another part of the community over what another part is paying. Finally, he reiterates there is only two ways to reduce taxes. One is to reduce spending and the other is to find another source of revenue other than property taxes. It takes 1.9 million dollars to lower the tax rate by one dollar. If 80% of the budget is salaries that means to make a one dollar cut to the rate it would mean people. It would most likely come from first school then police and fire. That impact on essential services in any community would be very difficult. We have to take a hard look at how we are spending our money and look for other sources of revenue. Whether they come from the State or the Federal Government or from new businesses coming into the community, property taxes can not continue to maintain the services.

President Benson stated this is a delayed tax increase; it is the result of the last council. He suggests everyone call Michelle Thone and Christopher Lawrence and thank them for this tax increase. This council is righting a wrong.

Late File

2008-116 A Resolution Recognizing the Amesbury High School Super Bowl

Councilor Sherwood motioned to take 2008-116 out of order, Councilor Dunford second.

Voted – Unanimous

*Councilor Sherwood motioned to accept 2008-116 as a late file, Councilor McMilleon second.
Voted – Unanimous*

Councilor Lavoie thought it would be a nice gesture on behalf of this council to adopt a resolution as follows:

WHEREAS, Amesbury High School has produced a football team worthy of commendation; and
WHEREAS, with the enthusiastic support of the entire High School student body and the many football fans of Amesbury, the Amesbury High School Football Team were the Cape Ann Small Division Champions for 2008; and

WHEREAS, the Amesbury Football Team has played superbly in the post-season playoffs, culminating in Amesbury's 40-19 win at its Super Bowl game on Saturday December 6, 2008; and
WHEREAS, Amesbury High School and its Super Bowl winning Football Team are well deserving of recognition for their successes.

NOW THEREFORE, be it resolved, that the Amesbury Municipal Council congratulates the entire student body, faculty, administration and coaches of Amesbury High School, and especially the victorious Amesbury high School Super Bowl Football Team on a job superbly well done.

Councilor Lavoie motioned to adopt 2008-116 as submitted, Councilor Dunford seconded.
Voted – Unanimous

Licenses and Permits

2008-101 Pole Hearing – Pleasant Street

David Bouche, National Grid – Mr. Bouche is asking the Town of Amesbury on behalf of National Grid for a petition to place two four inch concrete encased conduits in the sidewalk from pole 3 on Pleasant Street to upgrade the service to Holy Family Parish.

Councilor Sherwood asked if the sidewalk will be torn up to accommodate the work. Mr. Bouche stated the work is actually started and the sidewalk will be returned to as it was or better when they finish.

Councilor Neale abstained from the vote because he is a member of the Holy Family Parish.

*Councilor Sherwood motioned to accept 2008-101 as submitted, Councilor McMilleon second.
Voted – 8 Yes, 1 recuse (Neale)*

2008-102 Common Victualler – Tihan Corp. d/b/a Richdale, 65 Friend St.

*Councilor Lavoie moved 2008-102 be approved as submitted subject to the usual conditions, Councilor Ferguson second and amended the hours on the license to read 12AM not 12 PM.
Councilor Lavoie accepted the amendment.*

Voted - Unanimous

2008-103 Weekday Pool – Szechuan Café, 88 Haverhill Rd.

2008-104 Sunday Pool – Szechuan Café, 88 Haverhill Rd.

President Benson stated the representative from Szechuan Café could not attend due to a personal matter.

Councilor Sherwood motioned to continue 2008-103 and 2008-104 to the January meeting, Councilor McMilleon second.

Voted - Unanimous

2008-107 2009 Renewal – Auto Class I

Councilor Dunford motioned to approve 2008-107 as submitted, Councilor McMilleon second

Voted – 8 Yes, 1 recuse (Benson)

2008-108 2009 Renewal – Auto Class II

Councilor Lavoie read 2008-108 into the record.

Councilor Dunford motioned to approve 2008-108 as submitted, Councilor Neale second.

Voted – 8 Yes, 1 recuse (Benson)

2008-109 2009 Renewal – Auto Class III

Councilor Lavoie read 2008-109 into the record.

Councilor Ferguson motioned to approve 2008-109 as submitted, Councilor Chatigny second.

Voted – 8 Yes, 1 recuse (Benson)

2008-110 2009 Renewal – Common Victualler

Councilor Lavoie read 2008-110 into the record.

Councilor Neale motioned to accept 2008-110 as submitted, Councilor McMilleon second.

Voted - Unanimous

2008-111 2009 Renewal - Automatic Amusement

Councilor Lavoie read 2008-111 into the record.

Councilor Neale motioned to accept 2008-111 as submitted, Councilor Chatigny second.

Voted – Unanimous

2008-112 2009 Renewal – Dine, Dance & Entertainment

Councilor Lavoie read 2008-112 into the record.

Councilor Ferguson motioned to accept 2008-112 as submitted, Councilor Chatigny second.

Voted - Unanimous

2008-113 2009 Renewal – Sunday Juke Box

Councilor Lavoie read 2008-113 into the record.

Councilor Ferguson motioned to accept 2008-113 as submitted, Councilor Sherwood second.

Voted – Unanimous

2008-114 2009 Renewal – Inn Holders

Councilor Lavoie read 2008-114 into the record.

Councilor Chatigny motioned to accept 2008-114 as submitted, Councilor McMilleon second.

Voted - Unanimous

Mayoral Appointments – none at this time

Second Readings

2008-095 An Order to hold the Annual Classification Hearing – Mayor Kezer

President Benson read 2008-095 into the record.

Councilor Sherwood thanked the members of the public tonight, at the Finance Committee meeting and both through phone and e-mail that got in touch with him about this issue. He thinks that while the debate at times can be difficult it has been very valuable for the community. He feels having a unified tax rate puts Amesbury in a better position as a community to address what is coming in the next 12 to 24 months. The number of commercial/industrial parcels has gone down consistently since 2000; the number of parcels of residential has consistently gone up so the last thing that makes sense to him in terms of a progressive idea is to try to squeeze the commercial harder. It would be a regressive move for the community. He will be voting for going back for a unified rate.

1. The selection of a Residential Factor:

Councilor Neale read the recommendation of the Finance Committee for a Residential Factor of 1. *Councilor Ferguson motioned for a residential tax factor of one, accepting the Finance Committee recommendation, Councilor Chatigny second.*

Roll Call Vote – Unanimous

2. An Open Space Discount:

Councilor Neale read the recommendation of the Finance Committee, for no exemption for Open Space.

Councilor Sherwood moved to accept the recommendation of the Board of Assessors to provide no open space exemption, Councilor Chatigny second.

Roll Call Vote - Unanimous

3. Residential Exemption

Councilor Neale read the recommendation of the Finance Committee to have no residential exemption.

Councilor Sherwood motioned to accept the Finance Committee recommendation to provide for no residential exemptions, Councilor Ferguson second.

Roll Call Vote - Unanimous

4. Commercial Exemption.

Councilor Neale read the recommendation of the Finance Committee for no commercial exemption.

Councilor Lavoie motions to adopt the recommendation of the Finance Committee that there be no Commercial Exemption, Councilor Dunford second.

Roll Call Vote - Unanimous

2008-096 An Order to request the Municipal Council vote to increase the exemption amount of qualified applicants – Mayor Kezer sponsor

President Benson read 2008-096 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve 2008-096 as submitted.

Councilor Ferguson motioned to accept the recommendation of the Finance Committee and approve 2008-096, Councilor Chatigny second.

Roll Call Vote - Unanimous

2008-100 A Request to declare a DPW vehicle surplus – Mayor Kezer sponsor

President Benson read 2008-100 into the record.

Councilor Neale read the recommendation of the Finance Committee to approve as submitted.
Councilor Lavoie motioned to accept the recommendation of the Finance Committee to approve 20-08-100, Councilor Neale second.
Roll Call Vote - Unanimous

Public Hearings

2008-061 A Request to accept Riverfront Drive and Cabot Court for Ownership by the Public as a Public Way – Mayor Kezer sponsor cont.
President Benson read 2008-061 into the record.
Councilor Gilday stated that the developer is still working on the street acceptance plan, the as builds, deeds and easements, conservation commission certificate of compliance and certification by an engineer that plans conform to approved plans.
Councilor Gilday motions to continue 2008-061 to the next meeting, Councilor Sherwood second.
Voted - Unanimous

First Readings

2008-105 Declare surplus a Dept. of Public Works vehicle – Mayor Kezer sponsor
President Benson read 2008-105 into the record.
Councilor Neale motioned to refer 2008-105 to the January 2009 Finance Committee meeting and a public hearing be scheduled, Councilor Dunford second.
Voted – Unanimous

2008-106 Amend Zoning By-Law to create a priority development overlay district – Mayor Kezer sponsor
President Benson read 2008-106 into the record.
Councilor Gilday motioned to refer 2008-106 to the Ordinance Committee and the Planning Board, Councilor Neale second.
Voted - Unanimous

Correspondence

a. President/Vice President Communications
Councilor Lavoie read a memo from the Amesbury Retirement Board notifying them of the Retirement Board Expense Budget 1/1/2009 to 12/31/2009.

2008-115 2009 Municipal Council meeting schedule
President Benson read 2008-115 into the record.
Councilor Lavoie motioned 2008-115 to be approved as submitted, Councilor McMilleon second.
Voted - Unanimous

b. Communication from Elected Officials, Boards and Commissions
Councilor Ferguson stated the High School will hold a Dedication and Open House on Sunday, February 1, 2009 from 1 to 4 PM

Councilor Sherwood stated on Thursday, December 11th in Town Hall at 7:00PM there is an event sponsored by the Amesbury Democratic Committee providing the community information regarding energy efficiency as well as resources available to help with energy costs.

Councilor Lavoie stated there is a public hearing on December 17th dealing with Route 110 from 495 to Merrill Street in Salisbury put on by Mass Highway.

c. Council Communications, Announcements and Committee Reports

Adjournment

Councilor Neale motioned to adjourn, Councilor Dunford second – Voted Unanimous 8:53PM

Respectfully Submitted,
Assistant Town Clerk